

1-1 By: Van de Putte S.B. No. 1159  
1-2 (In the Senate - Filed March 5, 2013; March 12, 2013, read  
1-3 first time and referred to Committee on Veteran Affairs and  
1-4 Military Installations; April 8, 2013, reported favorably by the  
1-5 following vote: Yeas 5, Nays 0; April 8, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Van de Putte	X			
1-8 Birdwell	X			
1-9 Campbell	X			
1-10 Davis	X			
1-11 Rodriguez	X			
1-12				

1-13 A BILL TO BE ENTITLED  
1-14 AN ACT

1-15 relating to tuition and fee exemptions for certain military  
1-16 personnel and their dependents.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. Section 54.341, Education Code, is amended by  
1-19 amending Subsections (a), (a-2), (b), (e), (k-1), (l), (m), and (n)  
1-20 and adding Subsection (a-4) to read as follows:

1-21 (a) The governing board of each institution of higher  
1-22 education shall exempt the following persons from the payment of  
1-23 tuition, dues, fees, and other required charges, including fees for  
1-24 correspondence courses but excluding general deposit fees, student  
1-25 services fees, and any fees or charges for lodging, board, or  
1-26 clothing, provided the person seeking the exemption currently  
1-27 resides in this state or resides outside of this state due to the  
1-28 person's military assignment or the military assignment of the  
1-29 person's spouse and entered the service at a location in this state,  
1-30 declared this state as the person's home of record in the manner  
1-31 provided by the applicable military or other service, or would have  
1-32 been determined to be a resident of this state for purposes of  
1-33 Subchapter B at the time the person entered the service:

1-34 (1) all nurses and honorably discharged members of the  
1-35 armed forces of the United States who served during the  
1-36 Spanish-American War or during World War I;

1-37 (2) all nurses, members of the Women's Army Auxiliary  
1-38 Corps, members of the Women's Auxiliary Volunteer Emergency  
1-39 Service, and all honorably discharged members of the armed forces  
1-40 of the United States who served during World War II except those who  
1-41 were discharged from service because they were over the age of 38 or  
1-42 because of a personal request on the part of the person that the  
1-43 person be discharged from service;

1-44 (3) all honorably discharged men and women of the  
1-45 armed forces of the United States who served during the national  
1-46 emergency which began on June 27, 1950, and which is referred to as  
1-47 the Korean War; and

1-48 (4) all persons who were honorably discharged from the  
1-49 armed forces of the United States after serving on active military  
1-50 duty, excluding training, for more than 180 days and who served a  
1-51 portion of their active duty during:

1-52 (A) the Cold War which began on the date of the  
1-53 termination of the national emergency cited in Subdivision (3);

1-54 (B) the Vietnam era which began on December 21,  
1-55 1961, and ended on May 7, 1975;

1-56 (C) the Grenada and Lebanon era which began on  
1-57 August 24, 1982, and ended on July 31, 1984;

1-58 (D) the Panama era which began on December 20,  
1-59 1989, and ended on January 21, 1990;

1-60 (E) the Persian Gulf War which began on August 2,  
1-61 1990, and ends on the date thereafter prescribed by Presidential

proclamation or September 1, 1997, whichever occurs first;

(F) the national emergency by reason of certain terrorist attacks that began on September 11, 2001; or

(G) any future national emergency declared in accordance with federal law.

(a-2) The exemptions provided for in Subsection (a) also apply to the spouse of:

(1) a member of the armed forces of the United States:

(A) who was killed in action;

(B) who died while in service;

(C) who is missing in action;

(D) whose death is documented to be directly caused by illness or injury connected with service in the armed forces of the United States; or

(E) who became totally and permanently disabled or meets the eligibility requirements for individual unemployability ~~[for purposes of employability]~~ according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury; or

(2) a member of the Texas National Guard or the Texas Air National Guard who:

(A) was killed since January 1, 1946, while on active duty either in the service of this state or the United States; or

(B) is totally and permanently disabled or meets the eligibility requirements for individual unemployability ~~[for purposes of employability]~~ according to the disability ratings of the Department of Veterans Affairs, regardless of whether the member is eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States.

(a-4) Subsection (a-2) or (b) applies only if the member of the armed forces of the United States entered the service at a location in this state, declared this state as the person's home of record in the manner provided by the applicable military or other service, or would have been determined to be a resident of this state for purposes of Subchapter B at the time the person entered the service. The member is not required to meet any other requirements of Subsection (a).

(b) The exemptions provided for in Subsection (a) also apply to:

(1) the children of members of the armed forces of the United States:

(A) who are or were killed in action;

(B) who die or died while in service;

(C) who are missing in action;

(D) whose death is documented to be directly caused by illness or injury connected with service in the armed forces of the United States; or

(E) who became totally and permanently disabled or meet the eligibility requirements for individual unemployability ~~[for purposes of employability]~~ according to the disability ratings of the Department of Veterans Affairs as a result of a service-related injury; and

(2) the children of members of the Texas National Guard and the Texas Air National Guard who:

(A) were killed since January 1, 1946, while on active duty either in the service of their state or the United States; or

(B) are totally and permanently disabled or meet the eligibility requirements for individual unemployability ~~[for purposes of employability]~~ according to the disability ratings of the Department of Veterans Affairs, regardless of whether the members are eligible to receive disability benefits from the department, as a result of a service-related injury suffered since January 1, 1946, while on active duty either in the service of this state or the United States.

(e) The exemption from tuition, fees, and other charges

provided for by this section does not apply to a person who at the time of registration is entitled to receive educational benefits under federal legislation that may be used only for the payment of tuition and fees if the value of those benefits received in a semester or other term is equal to or exceeds the value of the exemption for the same semester or other term. If the value of federal benefits that may be used only for the payment of tuition and fees and are received in a semester or other term does not equal or exceed the value of the exemption for the same semester or other term, the person is entitled to receive both those federal benefits and the exemption in the same semester or other term. A person who is entitled for a semester or other term to receive more than one type of federal benefit that may be used only for the payment of tuition and fees may choose which benefit to apply for that semester or other term. The extent to which an exemption under this section applies to the person shall be based on the value of the federal benefit or benefits the person chooses to use for that semester or other term. The combined amount of the federal benefit or benefits that may be used only for the payment of tuition and fees and that are received in a semester or other term plus the amount of the exemption received in that [a] semester or other term may not exceed the cost of tuition and fees for that semester or other term.

(k-1) The procedures under Subsection (k) must provide:

(1) the manner in which a person may waive the exemption;

(2) the manner in which a child may be designated to receive the exemption;

(3) a procedure permitting the designation of a different child to receive the exemption if the child previously designated to receive the exemption did not use the exemption under this section for all of the assigned portion of credit hours; ~~and~~

(4) a method of documentation to enable institutions of higher education to determine the eligibility of the designated child to receive the exemption; and

(5) a procedure permitting a person who waived the exemption and designated a child to receive the exemption to revoke that designation as to any unused portion of the assigned credit hours.

(1) To be eligible to receive an exemption under Subsection (k), the child must:

(1) be a student who is classified as a resident under Subchapter B when the child enrolls in an institution of higher education; ~~and~~

(2) make satisfactory academic progress in a degree, certificate, or continuing education program as determined by the institution at which the child is enrolled in accordance with the policy of the institution's financial aid department, except that the institution may not require the child to enroll in a minimum course load; and

(3) be 25 years of age or younger on the first day of the semester or other academic term for which the exemption is claimed.

(m) For purposes of this section, a person is the child of another person if ~~[the person is 25 years of age or younger on the first day of the semester or other academic term for which the exemption is claimed and]~~:

(1) the person is the stepchild or the biological or adopted child of the other person; or

(2) the other person claimed the person as a dependent on a federal income tax return filed for the preceding year or will claim the person as a dependent on a federal income tax return for the current year.

(n) The Texas Higher Education Coordinating Board by rule shall prescribe procedures by which a child designated to receive an exemption under Subsection (k) who suffered from a severe illness or other debilitating condition that affected the child's ability to use the exemption before reaching the age described by Subsection (1)(3) ~~[(m)]~~ may be granted additional time to use the exemption corresponding to the time the child was unable to use the

exemption because of the illness or condition.

SECTION 2. (a) The changes in law made by this Act by amending Subsection (a), Section 54.341, Education Code, and by adding Subsection (a-4), Section 54.341, Education Code, apply immediately.

(b) Except as provided by Subsection (a) of this section, the changes in law made by this Act to Section 54.341, Education Code, apply beginning with tuition and fees for the 2013 fall semester. Tuition and fees for a term or semester before the 2013 fall semester are covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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